

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3209 of 2019

Arising Out of PS. Case No.-200 Year-2018 Thana- BHANGWANPUR HAT District- Siwan

1. Dewlal Manjhi and anr. Late Asharfi Manjhi. resident of Village- Suhpur, P.S.- Bhagwanpur Hat, District- Siwan
2. Raju Manjhi Dew Lal Manjhi resident of Village- Suhpur, P.S.- Bhagwanpur Hat, District- Siwan

... Petitioners

Versus

The State Of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Santosh Kumar, Adv.

For the Opposite Party : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-01-2019 Heard the learned counsel for the petitioners and the learned counsel appearing for the State.

The petitioners are languishing in judicial custody since 22.09.2018 in connection with Bhagwanpur Hat P.S. Case No. 200 of 2018 for the offences alleged under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case, as lodged by the police personnel, is that while on administrative duty, they got secret information that some arms have been hidden in the house of co-accused, Dewlal Manjhi, petitioner no. 1. The police conducted a raid and while the petitioners tried to flee away, they were apprehended. The house was searched and a country made pistol with two live cartridges were recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the



petitioners that they are innocent and have been falsely implicated in the aforesaid case. He submits that no overt act has been committed by the petitioners and charge sheet has already been submitted, there being no allegation of tampering of the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner no. 1 does not have a clean antecedent and one more case under Excise Act is pending against him.

Considering the facts and circumstances and the materials on record as well as the period of custody, let the petitioners, above named be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Bhagwanpur Hat P.S. Case No. 200 of 2018 to the satisfaction of the learned Additional Chief Judicial Magistrate, II, Siwan, subject to the following conditions :

(i) One of the bailors of each of the petitioners would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner(s).

(ii) If the petitioner(s) indulge(s) in an offence of



similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his/their bail bond(s).

(Nilu Agrawal, J)

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